

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

ORDER

This matter is before the Court on plaintiff's motion to set aside the Order of Partial Dismissal dated June 25, 2007. By Order dated May 8, 2007, the Court noted that four defendants, Tanya Nolan, Suzie Gibbs, Amanda Payne and Kerri Davis, had not been served with summons and complaint, and ordered plaintiff to provide addresses for service of process on these defendants by June 18, 2007. The Order specifically provided, "Failure to comply fully and timely with this order will result in dismissal without prejudice of the claims against defendants Nolan, Gibbs, Payne and Davis pursuant to Fed. R. Civ. P. 4(m)."

Plaintiff did not file any response to the Court's Order. Accordingly, on June 25, 2007, having allowed one week extra time for response, the Court dismissed plaintiff's claims against these defendants without prejudice. Plaintiff now moves to set aside the order of partial dismissal on the basis that he has attempted to comply fully and timely with the Court's Order, but has been required to go through the discovery process in order to obtain the addresses of these defendants.

For good cause shown, the Court will grant plaintiff's motion. It would have been much preferable, however, had plaintiff sought an extension of time to comply with the Order of May 8,

2007, rather than letting the deadline pass and then seeking to set aside the Order of June 25, 2007.

In the future, plaintiff should follow such a course.

Accordingly,

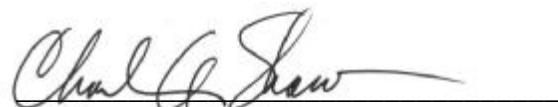
IT IS HEREBY ORDERED that plaintiff's Motion to Set Aside Order of Partial Dismissal is **GRANTED**. [Doc.53]

IT IS FURTHER ORDERED that the Order of Partial Dismissal dated June 25, 2007 is **VACATED**. [Doc. 51]

IT IS FURTHER ORDERED that plaintiff is granted an additional forty-five (45) days from the date of this Order to obtain service of process upon defendants Nolan, Gibbs, Payne and Davis, and shall file proof of service on these defendants by **August 16, 2007**.

IT IS FURTHER ORDERED that failure to comply fully and timely with this order will result in dismissal without prejudice of the claims against defendants Nolan, Gibbs, Payne and Davis pursuant to Fed. R. Civ. P. 4(m).

IT IS FURTHER ORDERED that defendants shall cooperate in the discovery process and respond to plaintiff's interrogatories in a timely manner.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of July, 2007.